

**REMARKS**

Claims 1-6, 9, 11-12, 15, 17-21, 24, 26-27, 30, 32 and 34 are pending in this application. Claims 1, 17 and 32 have been amended by the present Amendment. Amended claims 1, 17 and 32 do not introduce any new subject matter.

**REJECTIONS UNDER 35 U.S.C. § 103(a)**

Reconsideration is respectfully requested of the rejection of claims 1-6, 9, 11-12, 15, 17-21, 24, 26-27, 30, 32 and 34 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Pub. No. 2005/0123147 ("Everett") in view of U.S. Patent Application Pub. No. 2004/0151327 ("Marlow"), U.S. Patent Application Pub. No. 2004/0234081 ("Brice"), and U.S. Patent Application Pub. No. 2002/0059368 ("Reynolds").

Applicant respectfully submits that Everett, when taken alone or in combination with Marlow, Brice and/or Reynolds, fails to teach or suggest the features of claims 1, 17 and 32, especially a modulator (or modulating means) having input connections to receive the visual and audio signals via and not via the multiplexer (or multiplexing means), wherein, when the modulator receives the visual and audio signals via the multiplexer, the modulator modulates the multiplexed visual signals and audio signals onto a predetermined frequency for wireless transmission at the predetermined frequency, and wherein, when the modulator receives the visual and audio signals not via the multiplexer, the modulator modulates the visual and the audio signals not transmitted via the multiplexer.

For example, Applicant's disclosure states that both audio and visual signals may be multiplexed by multiplexer 629 and the multiplexed audio and visual signals are sent

to modulator 623 to be modulated on the predetermined frequency. Alternatively, audio and visual signals can be sent directly to the modulator 623 without processing by the multiplexer. See, e.g., Applicant's disclosure, page 11, lines 7-19; Figs. 4A-4B.

With this arrangement, the versatility of the device of the claimed embodiments is increased so that it can be effectively used with different input and receiving devices having different capabilities and signal configurations.

However, in contrast to the claimed embodiments, while Reynolds discloses a digital signal processor (DSP) that multiplexes audio and video signals, Reynolds and the other cited references do not disclose a device wherein a modulator has the capability and connections to receive and process audio and visual signals both via a multiplexer and not via a multiplexer. For example, the claimed modulator may receive and process audio and visual signals via the multiplexer at a first time, and not via the multiplexer at another time.

Accordingly, Applicant respectfully submits that the cited references do not disclose or suggest the claimed modulator (or modulating means).

As such, it is respectfully submitted that the cited references, when taken alone or in combination, do not disclose or suggest the embodiments of the present invention, as defined in claims 1, 17 and 32, and that it would not have been obvious to modify Everett in view of Marlow, Brice and Reynolds, to develop same.

As such, Applicant respectfully submits that the embodiments of the invention as defined in claims 1, 17 and 32 are patentable over Everett in view of Marlow, Brice, and further in view of Reynolds. For at least the reason that claims 2-6, 9, 11, 12, 15 and 34 depend from claim 1, and claims 18-21, 24, 26-27 and 30 depend from claim 17, claims

2-6, 9, 11, 12, 15, 34, 18-21, 24, 26-27 and 30 are also submitted to be patentably distinct over the cited references.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-6, 9, 11-12, 15, 17-21, 24, 26-27, 30, 32 and 34 under 35 U.S.C. § 103(a).

#### **DEPENDENT CLAIMS**

Applicant has not independently addressed the rejections of all the dependent claims because Applicant submits that, in view of the amendments to the claims presented herein and, for at least similar reasons as why the independent claims from which the dependent claims depend are believed allowable as discussed, supra, the dependent claims are also allowable. Applicant however, reserves the right to address any individual rejections of the dependent claims should such be necessary or appropriate.

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner may telephone Applicant's Attorney to reach a prompt disposition of this application.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael F. Morano", written in dark ink.

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